IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 5TH NOVEMBER 2007 / 14TH KARTHIKA 1929

Crl.MC.No. 2805 of 2007()

AGAINST THE JUDGEMENT/ORDER IN CRRP.2967/2003
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PETITIONER: ACCUSED:

THOMAS JOSEPH, S/O. JOSEPH,
ODEKKAL HOUSE, MANNARAKKAYAM, NOW RESIDING AT
ODEKKAL HOUSE, ASHOKA ROAD, KALOOR.

BY ADV. SRI.DILIP MOHAN

RESPONDENTS: RESPONDENTS/STATE/DEFACTO COMPLAINANT:
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1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. DISTRICT POLICE SUPERINTENDENT,
KOTTAYAM.

3. CIRCLE INSPECTOR OF POLICE,
KANJIRAPPALLY.

4. SUB INSPECTOR OF POLICE, KANJIRAPPALLY.

5. AUGUSTIAN GEORGE,
NELLANTHODAM HOUSE, ELANGULEM, KANJIRAPPALLY.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 05/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

O R D E R

The learned counsel for the petitioner/complainant submits that the respondent has already been arrested and the matter has been compounded also. This Crl.M.C is, in these circumstances, dismissed as unnecessary now as requested.

Sd/-(**R.BASANT, JUDGE**)

rtr/

/true copy/

R. BASANT, J.

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Crl.M.C.No. 2805 of 2007

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Dated this the 7th day of September, 2007

O R D E R

The short grievance of the petitioner is that a warrant of arrest issued against the 5th respondent is not being promptly executed by the 4th respondent, S.I. of Police, Kanjirappally. The petitioner is the complainant in a prosecution under Section 138 of the N.I. Act. The verdict of guilty, conviction and sentence have now become final, but the warrant of arrest issued by the learned Magistrate is not executed. This in short is the grievance raised. According to the petitioner, the 5th respondent is influential and it is hence that the warrant of arrest is not executed.

2. Notice given. I may make it clear that the 4th respondent shall execute the warrant of arrest before the next date of posting. Call on 3.10.2007. By then the warrant of arrest shall be executed. If it is not executed, the 4th respondent shall appear in person and explain to court why the warrant is not executed.

3. Hand over the order to the learned Prosecutor.

(R. BASANT)

tm Judge